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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

9 DUKE FREDERICK CRANFORD,
10 Petitioner,
11 vs.
12 HOWARD SKOLNICK, et al.,
13 Respondents.

Case No. 3:10-CV-00057-LRH-(VPC)

ORDER

The court referred this action to the United States Court of Appeals for the Ninth Circuit for a determination whether petitioner was authorized to file a second or successive petition for a writ of habeas corpus. Order (#6). The court of appeals did not authorize the filing (#7). Petitioner then submitted to the court of appeals a motion for certificate of appealability and a request for leave to proceed in forma pauperis. The court of appeals forwarded the documents to this court, and they have been docketed (#9, #10). Because the court of appeals did not authorize the filing of a second or successive petition, this court lacks jurisdiction over the matter. See Burton v. Stewart, 549 U.S. 147, 152-53 (2007); Cooper v. Calderon, 274 F.3d 1270, 1274 (9th Cir. 2001).

IT IS THEREFORE ORDERED that petitioner's motion for certificate of appealability (#9) and request for leave to proceed in forma pauperis (#10) are **DENIED** for lack of jurisdiction.

25 DATED this 23rd day of July, 2010.

Skihe

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**LARRY R. HICKS
UNITED STATES DISTRICT JUDGE**